

04-0-1998

**A SUBSTITUTED ORDINANCE  
BY TRANSPORTATION COMMITTEE**

**AN ORDINANCE TO AMEND THE RESIDENTIAL PARKING  
PERMIT PROGRAM; TO DEFINE TERMS; TO ESTABLISH  
PROCEDURES; TO ESTABLISH REQUIREMENTS; TO  
PROVIDE FOR ENFORCEMENT; AND FOR OTHER PURPOSES.**

**WHEREAS**, there is an existing Residential Parking Permit Program at Section 150-146, Atlanta Code of Ordinances, and

**WHEREAS**, the existing Residential Parking Permit Program is in need of refinement with regard to its requirements, procedures and enforcement.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**SECTION 1:** That the existing Section 150-146 through Section 150-158, Division 4 of Article IV of Chapter 150 of Part II of the Atlanta Code of Ordinances are hereby repealed in their entirety.

**SECTION 2:** That the existing Division 4 shall remain in full force and effect until this Ordinance is adopted.

**SECTION 3:** That a new Division 4 of Article IV of Chapter 150 of Part II the Code of Ordinances, comprised of Section 150-146 through Section 150-158 is hereby established and be adopted as follows:

**"Sec. 150-146. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

*Area of influence* means a circular area of 500 feet minimum and 1,500 maximum feet radius. It is measured from the core of an established traffic generator.

*Block face* means that portion of one side of a street located between an intersecting street and the next occurring side street or between the termination of a street and the first occurring side street.

*Commuter vehicle* means a motor vehicle, parked in a residential area, which is not registered to or operated by a resident of such area.

*Curb parking space* means a 24-foot long section of street, adjacent to the curb or edge or roadway, where a motor vehicle may lawfully park.

*Office of Transportation* means the Office of Transportation of the Department of Public Works of the City of Atlanta or any such Office or Bureau of the City of Atlanta which may come to perform the functions currently performed by the Office of Transportation.

*Residential area* means a contiguous or nearly contiguous area containing public roadways which are primarily abutted by residential property and non-business property, such as parks, churches and schools.

*Street address* means the lot number assigned to a lot of record as shown on the official tax maps of the city.

*Traffic generator* means an area which generates nonresidential traffic. This includes employment areas; college and universities; medical centers; retail and entertainment areas and transit areas.

#### **Sec. 150-147. Program established.**

There is established a residential permit parking program whereby motor vehicles bearing a special parking permit issued pursuant to this division may be parked in excess of the time limits posted on streets within certain areas known as residential permit parking areas. Parking a motor vehicle on a street within a residential permit parking area shall be restricted to a finite period, as determined by the Office of Transportation.

#### **Sec. 150-148. Petition required.**

- (a) Residents of a residential area who desire to have such area designated as a residential permit parking area shall submit to the Office of Transportation a petition requesting such designation. To warrant consideration, the requests must be supported by the signature of 70 percent or more of the property owners within a contiguous or nearly contiguous area containing public roadways which are located within the area of influence and are primarily abutted by residential property and non-business property, such as parks, churches and schools. Provided only one signature shall be allowed for each street address. For the purposes of this section apartment buildings shall be considered as one residence and shall be limited to one signature, which shall be the signature of the property owner or the signature of a person who is legally authorized to sign on behalf of the owner and condominiums shall be considered as one residence and shall be limited to one signature which shall be the signature of the person legally authorized to sign on behalf of the homeowner's association.

- (b) The petition shall clearly define the boundaries of the proposed residential permit parking area.
- (c) The petition shall identify a resident petition coordinator and shall conform in form and content with requirements established by the Office of Transportation.

**Sec. 150-149. Eligibility of area.**

- (a) Upon receipt of a petition referred to in this section, the Office of Transportation shall undertake evaluations and studies as needed to determine whether such residential area is eligible for designation as a residential permit parking area.
- (b) In establishing the eligibility of a proposed residential permit parking area, the Office of Transportation shall consider the following factors:
  - (1) The availability of off-street parking including but not limited to driveways, garages, and other types of parking facilities for residents.
  - (2) The portion of the area of influence that should be included in the residential permit parking area, which may include all or part of the area of influence.
  - (3) Ratio of commuter vehicles to resident vehicles found within the area of influence during the peak hours of commuter vehicle use of the area of influence.
  - (4) Impact of commuter vehicles on safety and convenience for residents living within the area of influence.
- (c) Upon an evaluation by the Office of Transportation which determines that the area of influence, or some portion thereof, is an appropriate candidate for the creation of a residential parking area, the Office of Transportation shall:
  - (1) Propose clearly defined boundaries of the residential permit parking area.
  - (2) Contact the resident petition coordinator and advise him or her of the requirements established by this division for public notice and comment on the proposed boundaries of the residential permit parking area.
  - (3) Undertake evaluations and studies as needed to determine whether such residential area is eligible for designation as a residential permit parking area.
  - (4) Studies of parking characteristics within the area of influence must show that, during the time period of the proposed restrictions, curb parking space occupancy exceeds 75 percent and commuter vehicles represent at least 33 percent of the parked vehicles

- (5) Designation of the area as a residential permit parking area will result in one or more of the following expectations for the area
  - i) A reduction in commuter vehicles parking in residential neighborhoods and the accompanying energy waste and air pollution.
  - ii) A reduction in total vehicle miles traveled by residents in the area of influence who wish to park their vehicles.
  - iii) A reduction in illegal parking.
  - iv) An improvement in vehicular and pedestrian safety.
- (d) The Office of Transportation shall develop an evaluation system for the studies and investigations required under this subsection (3).
- (e) Having preliminarily determined that the requirements for establishment of a residential parking area are met, the Office of Transportation shall:
  - (1) Prepare a proposal letter indicating the proposed residential parking area, hours and days proposed for residential permit parking.
  - (2) A copy of the proposal letter shall be submitted, requesting comment to:
    - (i) The Atlanta Police Department Zone in which the proposed area lies
    - (ii) The Department of Planning
    - (iii) The NPU in which the proposed area lies.
  - (3) Office of Transportation shall to inform the adjacent neighborhood of the proposed residential permit parking area. The signs shall include the date of the scheduled NPU meeting at which said parking area is to be discussed.
- (f) Public comment and requested comment pursuant to section (2) above shall be accepted by the Office of Transportation for 60 days from the posting of signs and the publication of the proposed action.
- (g) After consideration of the comments, if any, Office of Transportation shall make a final determination whether the residential permit parking area is approved, and shall assign an appropriate and unique identification letter to the area and shall notify the petition coordinator that the area has been approved as a residential permit parking area and the conditions of that approval.

**Sec. 150-150. Application for permit.**

The application for a resident parking permit shall provide the name of the owner or operator of the motor vehicle to be permitted; the residential address; the operator's state driver's license number; the motor vehicle make, model and license number; and other information requested on the application form. The applicant shall provide proof of residency as required by the Office of Transportation.

**Sec. 150-151. Permit terms; fees.**

- (a) All resident parking permits shall be valid for one year.
- (b) The permit fee shall be \$20.00.
- (c) Not sooner than thirty days prior to the expiration of an issued permit, the permittee may file an application for renewal of the permit, including submission of an appropriate fee, in order to receive a permit for the next two-year cycle.

**Sec. 150-152. Issuance of permits.**

Following approval of a residential permit parking area, Office of Transportation shall issue resident permits as follows:

- (a) Each residential permit parking area shall have a unique permit expiration date, and permits shall be renewed every two years. A permit shall be issued only to a motor vehicle owner or operator who resides on property fronting on a block face located within the residential permit parking area. Upon application and payment of the applicable fee, resident permits shall be issued in accordance with the following limitations:
- (b) Two residential permits may be issued for each valid street address which consists of one residential structure containing only one dwelling unit.
- (c) Two residential permits may be issued for each legally constituted and existing dwelling unit in any two-family or multiple-family dwelling facility at a valid street address within the residential permit parking area. This includes apartments, condominiums, attached dwellings, rowhouses, townhouses and the like.

**Sec. 150-153. Permit form and display.**

- (a) The resident parking permit shall be a decal and shall be affixed only to the motor vehicle for which it was issued. The decal shall be permanently attached to the inside lower corner of the rear window, driver's side, and must be clearly visible from outside the vehicle. Information

shown on the permit decal shall include but not be limited to the residential permit parking area identification letter, the permit number and the expiration date.

(b) Office of Transportation may issue a temporary permit, valid for not more than one year, for a vehicle operated by a person who provides health care services or other essential services on a regular basis at an address within a residential permit parking area. Such temporary permit shall be a visitor permit bearing special validation and which is issued by Office of Transportation upon satisfactory proof of need presented by the resident at such address. A temporary permit shall not be issued for use by a person who provides services for a commercial activity conducted at a residence.

#### **Sec. 150-154. Uniformity of parking regulations.**

Within each discrete residential permit parking area there shall be uniform parking regulations applied to all locations where parking is allowed. Upon approval of a residential permit parking area, Office of Transportation shall have parking regulation signs installed within the area indicating the time, location and conditions under which parking shall be by permit only.

#### **Sec. 150-155. Adding or removing block faces.**

- (a) All block faces of a discrete residential permit parking area shall have identical parking regulations where parking is allowed, and such regulations shall not be removed or modified on individual interior block faces.
- (b) Office of Transportation may add or remove block faces along the boundaries of a residential permit parking area upon receipt of a petition in which more than 50 percent of the residences request such action. The petition shall conform to section 150-148.
- (c) Eligibility for a block face to be added to or removed from a residential permit parking area shall be determined by the director, who shall, to the extent possible, avoid approving changes which will create an isolated block face, which is considered as one which:
  - (1) Is not across the street from a residential permit parking area block face for its entire length; or
  - (2) Neither end of the block face is connected to an existing residential permit parking area block face by a continuous curb or edge of roadway.
- (d) During the initial process of approving a residential permit parking area or as related to the addition or removal of block faces, Office of Transportation may determine the appropriate status for any block face abutting a park or other property which has no street address or which has no resident qualified to sign a related petition.

#### **Sec. 150-156. Termination of parking area.**

Upon receipt of an appropriate petition signed by a representative of 50 percent or more of the property owners, as identified in section 150-148(a), the city will terminate residential permit parking area subject to the following conditions:

- (a) The parking regulations which will replace those installed as provided in section 150-154, must be determined on a block-by-block basis by consultations between Office of Transportation and the affected residents prior to the termination of the residential permit parking area. The final determination shall be made by Office of Transportation.
- (b) The city shall not refund any fees which residents have paid for permits, as provided for in section 150-151, as a consequence of the termination of a residential permit parking area.
- (c) Any street section which has been part of a residential permit parking area and which is subsequently terminated under this section shall be ineligible for inclusion in a future residential permit parking area for a period of 24 months after such termination.

#### **Sec. 150-157. Limitation on permit use.**

A motor vehicle which displays a valid resident parking permit shall be allowed to stand or park in the residential permit parking area for which the permit has been issued without being limited by the two-hour time restriction established in this division. Such permits shall not authorize a motor vehicle to stand or park in any place where or during any time when the stopping, standing or parking of a motor vehicle is prohibited or the area is designated for other uses

#### **Sec. 150-158. Penalties for violations.**

- (a) It shall be unlawful and a violation of this division for a person to furnish false information in an application for any permit authorized by this division or to represent falsely that such person is eligible for such permit.
- (b) A person holding a valid parking permit issued pursuant to this division shall not allow the use or display of such permit on a vehicle other than that for which the permit was issued. Such conduct shall be unlawful and a violation of this division both by the person holding the valid permit and the person who so uses or displays the permit improperly.
- (c) It shall be unlawful and a violation of this division for a person to produce or display a facsimile or counterfeit parking permit in order to evade time limitations on parking in a residential permit parking area.
- (d) Violation of this section shall constitute an offense and shall be punishable as provided under section 1-8."

**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.